

By: Isaac

H.B. No. 1191

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of commercial development of groundwater
in certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 35, Water Code, is amended by adding
Section 35.021 to read as follows:

Sec. 35.021. COMMERCIAL DEVELOPMENT OF GROUNDWATER IN
CERTAIN ZONES. (a) In this section, "buffer zone" means an area
that extends five miles from the boundaries of a priority
groundwater management area.

(b) Notwithstanding an exemption from permitting that might
apply under the rules of a groundwater conservation district under
Section 36.117, a person who seeks to drill or operate a well
located in a buffer zone to produce groundwater for commercial
purposes must submit an application for approval to drill and
operate the well to the Texas Water Development Board and to any
groundwater conservation district in whose territory the well is
located.

(c) The Texas Water Development Board shall schedule, post
notice for, and conduct a public hearing for comments before making
a decision to approve or deny an application received under
Subsection (b).

(d) In deciding whether to approve or deny an application
under this section, the Texas Water Development Board shall

1 consider the likely effects of the well's proposed production
2 amounts over the 25-year period that would begin on the expected
3 date of first production from the well including:

4 (1) potential adverse effects on the desired future
5 condition adopted by a groundwater conservation district for the
6 relevant aquifer under Section 36.108;

7 (2) population growth predicted for the surrounding
8 area;

9 (3) shortages of surface water or groundwater
10 resulting from a long-term drought;

11 (4) potential land subsidence;

12 (5) possible contamination of groundwater supplies;

13 and

14 (6) other issues the water development board considers
15 relevant.

16 (e) A well may be drilled and operated under this section
17 only if the application is approved:

18 (1) by the Texas Water Development Board; and

19 (2) by any applicable groundwater conservation
20 district, unless the well is exempt from permitting under the
21 district's rules.

22 (f) The Texas Water Development Board shall adopt rules and
23 procedures for the consideration of an application under this
24 section, including procedures for the conduct of a public hearing.

25 SECTION 2. Not later than March 1, 2016, the Texas Water
26 Development Board shall adopt rules required under Section 35.021,
27 Water Code, as added by this Act.

1 SECTION 3. This Act applies only to a groundwater well for
2 which the drilling is begun on or after the effective date of this
3 Act. A well for which the drilling is begun before the effective
4 date of this Act is governed by the law in effect on the date the
5 drilling was begun, and that law is continued in effect for that
6 purpose.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.